



Attorney Docket No.: 0492611-0383

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Madry, *et al* Examiner:
Serial No.: 09/809,456 Art Unit: 3739
Filing Date: March 15, 2001
Title: TISSUE ENGINEERING ENHANCED BY THE TRANSFER OF A
GROWTH FACTOR GENE

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts in the above-referenced application, mailed by the U.S. Patent and Trademark Office on April 23, 2001, enclosed herewith are the following

- 1) Notice to File Missing Parts (2 pgs.);
- 2) Check in the amount of \$65 for the 37 C.F.R. 1.16(e) surcharge;
- 3) Executed Declaration (7 pgs.);
- 4) Verified Statement Claiming Small Entity Status 37 C.F.R. 1.9(f) and 1.27(c) (2 pgs.);
- 5) Appointment of Attorney;
- 6) Copy of executed Assignment from an inventor to The General Hospital Corporation (2 pgs.);
- 7) Copy of executed Assignment from inventors to Massachusetts Institute of Technology (5 pgs.);
- 8) Establishing Right of Assignee to Take Action (37 C.F.R. 3.73(b)) (2 pgs.);
- 9) Petition for Extension of Time under 37 C.F.R. 1.137;
- 10) Check for \$720.00;



- 11) Preliminary Amendment (3 pgs.);
- 12) New Figure 3 (3 copies); and
- 14) Return postcard.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

Valarie B. Rosen, Ph.D.
Registration Number 45,698

Choate, Hall & Stewart
Exchange Place
53 State Street
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(617) 248-5000
Dated: October 23, 2001
3327077.1

COPY OF PAPERS
ORIGINALLY FILED

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on October 23, 2001
Kimberly Young



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/809,456	03/15/2001	Henning Madry	0492611-0383

CONFIRMATION NO. 5208

FORMALITIES LETTER



OC000000005998051

Valarie B. Rosen
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COPY OF PAPERS
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Date Mailed: 04/23/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **J and M** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

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III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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